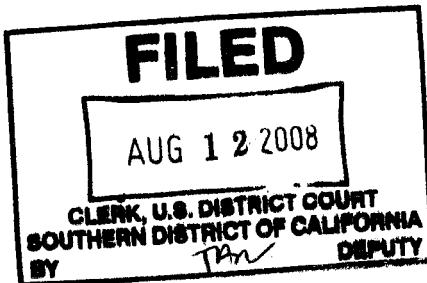


*Heck KHD*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**'08 MJ 8717**

UNITED STATES OF AMERICA, ) Magistrate's Case No.:  
Plaintiff, )  
v. ) COMPLAINT FOR VIOLATION OF  
Abel TOVAR-Saldana (1) ) Title 21 U.S.C. § 841(a)(1)  
Rogelio MOJICA-Preciado (2) ) Possession of a controlled  
Defendants. ) substance with Intent to  
 ) Distribute  
 ) 18 U.S.C. § 2 - Aiding &  
 ) Abetting  
 )  
-----

The undersigned complainant duly sworn states:

That on or about August 11, 2008, within the Southern District of California, defendants Abel TOVAR-Saldana and Rogelio MOJICA-Preciado, did knowingly and intentionally possess with intent to distribute approximately 119.11 kilograms (262.60 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title

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1       21 United States Code, Section 841(a)(1) and Title 18, United  
2       States Code, Section 2.

3 And the complainant states that this complaint is based on the  
4 attached Statement of Facts, which is incorporated herein by  
5 reference.

Sanchai W. Dean  
Sanchai W. Dean, Special Agent  
Drug Enforcement Administration

Peter C. Lewis  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Abel TOVAR-Saldana (1)

4 Rogelio MOJICA-Preciado (2)

5 STATEMENT OF FACTS

6 This Statement of Facts is based on the reports, documents,  
7 and notes furnished to the Drug Enforcement Administration Special  
8 Agent Sanchai W. Dean and Task Force Officer Cynthia Barajas.

9 On August 11, 2008, United States Border Patrol (USBP) Agent  
10 Milowski was operating the Remote Video Surveillance System (RVSS)  
11 when he observed six individuals walking north from the U.S./Mexico  
12 international boundary to the south bank of the All American Canal.  
13 Agent Milowski advised other agents in the area via service radio  
14 that six individuals were carrying large black bundles or  
15 backpacks.

16 Agent Milowski observed an individual place an inflatable raft  
17 into the canal while another individual began placing the large  
18 bundles into the raft. Another individual who appeared to be  
19 talking on a cellular phone began instructing the others to get out  
20 of the canal along with the bundles and the raft. Agent Milowski  
21 observed two individuals attempt to conceal the raft and the  
22 bundles in the underbrush.

23 Agents Vega, Toledo and several other USBP agents responded to  
24 the area where the suspects were last seen by Agent Milowski.  
25 Agents Vega and Toledo saw several bundles scattered along the  
26 trail as they followed the tracks left by the suspects. Agents Vega  
27 and Toledo inspected the bundles and identified them as bundles of

1 marijuana.

2 Agent Milowski directed Agent Barron to an area Agent Milowski  
3 had just observed one of the suspects. Agent Barron searched the  
4 area and located one of the suspects, later identified as Abel  
5 TOVAR-Saldana. Agent Barron identified himself as a USBP Agent and  
6 determined TOVAR was illegally in the United States. TOVAR was  
7 placed under arrest and while being placed in custody, TOVAR  
8 exclaimed to Agent Barron the bundles contained drugs and he would  
9 be willing to help Agent Barron locate the other smugglers.  
10

11 Agent Vega continued to follow the tracks left by the  
12 smugglers and located another individual attempting to hide in the  
13 underbrush. The individual was later identified as Rogelio MOJICA-  
14 Preciado.

15 A total of five (5) duffle bags containing 31 packages with a  
16 total weight of 262.60 lbs were seized by USBP. Using a field drug  
17 kit, one of the bundles tested positive for marijuana.  
18

19 MOJICA and TOVAR were advised of their rights per Miranda.  
20 MOJICA and TOVAR stated they understood their rights and were  
21 willing to answer questions without the presence of an attorney.  
22 MOJICA and TOVAR stated they were going to be paid for smuggling  
23 the marijuana into the United States.  
24  
25  
26  
27  
28